

Environmental Quality, Air Quality **R307-101-2** Definitions

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 27818

FILED: 04/15/2005, 09:52

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the change is to incorporate the new federal definition of "volatile organic compound" (VOC) into Utah rules.

SUMMARY OF THE RULE OR CHANGE: The definition of VOC is revised to include the exemptions from the definition that were added to the federal rule late in 2004. The substances that will no longer be classified as VOCs are 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane, known as HFE-7000; 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-hexane, known as HFE-7500, HFE-s702, T-7145, and L-15381; 1,1,1,2,3,3,3-heptafluoropropane, known as HFC 227ea; methyl formate; and t-butyl acetate, known as TBAC or TBAc. Excluding these compounds from the VOC classification allows them to be used in place of more volatile, ozone-causing substances. At a later date, the Air Quality Board will consider whether to incorporate by reference 40 CFR 51.100(s)(5), which requires sources of VOCs to report TBAC as a separate item when they submit emission inventories to the Division of Air Quality.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104 and 40 CFR 51.100(s)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR 51.100(s)(1), effective December 29, 2004

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** This change will not affect costs or benefits to state government. The staff of the Division of Air Quality collects inventories of the total of all VOCs that are emitted to the atmosphere; adding or subtracting one substance from the list does not affect state costs.

❖ **LOCAL GOVERNMENTS:** The few local governments that operate sources that emit VOCs may be able to use exempt substances in place of products currently in use. This may not change their costs, but will be a benefit in reducing their emissions of VOCs.

❖ **OTHER PERSONS:** Those sources that emit VOCs may be able to use exempt substances in place of products currently in use. Certain sources whose emissions of volatile organic compounds are limited to avoid formation of unhealthy levels of ozone may be able to use the de-listed compounds instead; this may allow increases in production. No costs are imposed by this change.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Those sources that emit VOCs may be able to use exempt substances in place of products currently in use. Certain sources whose emissions of VOCs are limited to avoid formation of unhealthy levels of ozone may be able to use the de-listed compounds instead; this may allow increases in production. No costs are imposed by this change.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No additional costs are imposed. This change may bring savings or increased production possibilities for some businesses. Dianne R. Nielson, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY

AIR QUALITY

150 N 1950 W

SALT LAKE CITY UT 84116-3085, or

at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-4099, or by Internet E-mail at janmiller@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 05/31/2005

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 5/24/2005 at 1:30 PM, DEQ Building, 168 N 1950 W, Room 201, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 07/06/2005

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

R307. Environmental Quality, Air Quality.

R307-101. General Requirements.

R307-101-2. Definitions.

Except where specified in individual rules, definitions in R307-101-2 are applicable to all rules adopted by the Air Quality Board.

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"Vertically Restricted Emissions Release" means the release of an air contaminant through a stack or opening whose flow is directed in a downward or horizontal direction due to the alignment of the opening or a physical obstruction placed beyond the opening, or at a height which is less than 1.3 times the height of an adjacent building or structure, as measured from ground level.

"Vertically Unrestricted Emissions Release" means the release of an air contaminant through a stack or opening whose flow is directed upward without any physical obstruction placed beyond the opening, and at a height which is at least 1.3 times the height of an adjacent building or structure, as measured from ground level.

"Volatile Organic Compound (VOC)" as defined in 40 CFR [Subsection]51.100(s)(1), as ~~published on July 1, 1998~~effective on July 1, 2004, and amended on November 29, 2004, by 69 FR 69290 and 69 FR 69298, is hereby adopted and incorporated by reference.

"Waste" means all solid, liquid or gaseous material, including, but not limited to, garbage, trash, household refuse, construction or demolition debris, or other refuse including that resulting from the prosecution of any business, trade or industry.

"Zero Drift" means the change in the instrument meter readout over a stated period of time of normal continuous operation when the VOC concentration at the time of measurement is zero.

KEY: air pollution, definitions

~~[December 31, 2003]~~2005

Notice of Continuation June 5, 2003

19-2-104

